

REMARKS

In response to the Office Action mailed July 7, 2004, the Applicant respectfully requests reconsideration.

By this Amendment, Applicant amends claims 1, 19, and 21 solely for clarification, and adds claims 27-33. As a result, claims 1-33 are pending for examination, of which claims 1, 9 and 18 are independent.

Applicant notes with appreciation the indication of allowable subject matter in claims 6-8. Applicant respectfully declines to amend these claims because the independent claim from which they depend, claim 1, is patentable over the art of record for the reasons set forth below.

1. Previously Submitted Preliminary Amendment

Applicant previously submitted a preliminary amendment on May 24, 2004 (copy enclosed), which added claims 9-26 and amended claims 1 and 5. It is clear from the Office Action, that this preliminary amendment has not been considered. Applicant appreciates the courtesies extended by Examiner Brown in discussing this issue with Applicant's representative's assistant, Gail Driscoll. Although the Preliminary Amendment was filed over six (6) weeks prior to the mailing of the Office Action (July 7, 2004), the Examiner informed Applicant that his database indicated that the Preliminary Amendment had not been received as of July 13, 2004. The Examiner said that he would consider the amendment, along with our response to the next Office Action.

Accordingly, Applicant submits herewith a copy of the Preliminary Amendment filed May 24, 2004.

As claims 9-26 were filed well before the issuance of the Office Action, any rejections of these claims should be non-final, affording Applicant an opportunity to respond thereto.

2. Claims 1-9 and 27 Patentably Distinguish Over APA, Ikefuji and Mendelsohn.

Claim 1 stands rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Applicant's admitted prior art (APA) in view of U.S. Patent No. 6,654,466 (Ikefuji) and further in view of U.S. Patent No. 6,335,665 (Mendelsohn). Applicant respectfully traverses this rejection.

The combination of APA, Ikekiji and Mendelsohn is improper because there is no motivation found in the prior art or in these references for combining these references as suggested in the Office Action.

Further, even if it were proper to combine these references (which it is not), the resulting combination would not teach or suggest all of the limitations of claim 1. Specifically, the resulting combination would not teach or suggest a terminal for generating an electromagnetic field adapted to communicating with at least one transponder entering this field, including, *inter alia*: an oscillating circuit adapted to being excited by a high-frequency remote supply signal of the transponder, an amplitude demodulator for detecting possible data transmitted by the transponder by modulating, *at the rate of a sub-carrier*, a load that the transmitted data forms on the terminal's oscillating circuit; and means for regulating a signal phase in a terminal's oscillating circuit in response to a reference value, **the means having a long response time as compared to the rate of said sub-carrier.**

As noted in the Office Action (Page 3), APA is silent on teaching means for regulating a signal phase in the oscillating circuit in response to a reference value having a long response time as compared to the sub-carrier. Mendelsohn, which is directed to an apparatus for introducing an adjustable delay and phase shift on to an input signal (Col. 1, lines 6-8), fails to remedy these deficiencies of Ikekiji. Further, contrary to the assertions of the Office Action (page 3, lines 10-12), Ikekiji also fails to remedy this deficiency.

Ikekiji is directed to a data communications system, including a responder 80 as one data communication apparatus and an interrogator 90 as another communication apparatus. (Col. 4, lines 54-58). Preliminarily, Applicant notes that the Office Action's citations from Col. 10 and 13 of Ikekiji (Col. 10, lines 45-50; Col. 13, lines 42-44) deal with the *responder 80, not the interrogator*. With respect to the interrogator, Ikekiji shows a resonance circuit 118 and a modulator/demodulator circuit 142 that demodulates data received at the resonance circuit. A CPU 144 is configured to adjust the resonance frequency of the resonance circuit in accordance with a determined frequency of a carrier wave, f_L . Specifically, the CPU selectively connects capacitors C_n , C_2 and C_1 to the resonance circuit by selectively turning on/off transistors SQ_n , SQ_2 and SQ_1 , thereby switching the resonance frequency of the resonance circuit (Figs. 19-20; Col. 14, lines 13-14 and 18-22; Col. 15, lines 7-22).

Ikefuji does not teach or suggest that the response time of the CPU in adjusting the resonant frequency is long compared to the rate at which the modulator/demodulator circuit 142 demodulates data on the resonance circuit. In fact, Ikefuji is silent regarding the relationship between the rate at which the modulator/demodulator circuit demodulates data and the response time of the CPU in adjusting the resonant frequency. Thus, Ikefuji does not teach or suggest means for regulating a signal phase in a terminal's oscillating circuit in response to a reference value, **the means having a long response time as compared to the rate of said sub-carrier**. Further, as noted above, APA and Mendelsohn fail to remedy these deficiencies of Ikefuji. Accordingly, even if the three references were combined, claim 1 contains limitations not found in the combination.

In view of the foregoing, claim 1 patentably distinguishes over APA in view of Ikefuji and further in view of Mendelsohn. Accordingly, Applicant respectfully requests that the rejection of claim 1 under §103(a) based on these references be withdrawn. Claims 2-8 and 27 each depend from claim 1 and are patentable for the same reasons. Accordingly, Applicant respectfully requests that the rejections of claims 2-5 be withdrawn.

3. Claims 9-26 and 28-33 Patentably Distinguish Over the Art of Record

Claim 9 patentably distinguishes over the art of record because the art of record, including APA, Ikefuji and Mendelsohn does not teach or suggest, individually or in combination, a system for generating an electromagnetic field adapted to communicate with at least one transponder entering the electromagnetic field, comprising, an oscillating circuit adapted to being excited by a high-frequency remote supply signal of the transponder; an amplitude demodulator to detect possible data transmitted by the at least one transponder by demodulating a load formed on the oscillating circuit by the at least one transponder; and **detection circuitry to detect that the at least one transponder is present in the electromagnetic field even if the amplitude demodulator has not detected any data transmitted by the at least one transponder, as recited in claim 9.**

Claim 18 patentably distinguishes over the art of record because the art of record, including APA, Ikefuji and Mendelsohn, individually, or in combination, does not teach or suggest a method of detecting a presence of at least one transponder within an electromagnetic field generated by a terminal that comprises an oscillating circuit, the method comprising:

determining that the at least one transponder is not present in the electromagnetic field by performing amplitude demodulation on the oscillating circuit; and **ascertaining whether the determination is correct based on a voltage measured across the oscillating circuit in a current measured in the oscillating circuit**, as recited in claim 18.

In view of the foregoing, claims 9 and 18, and their dependent claims 10-17, 19-26 and 28-33 patentably distinguish over the art of record and are in condition for allowance.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 4 2004.

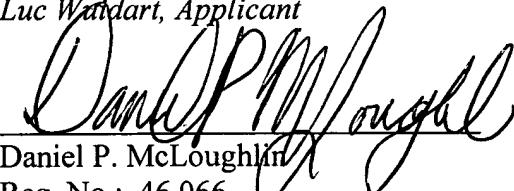
Janine Michalski

Attorney Docket No.: S1022.80663US00
X11/07/04

Respectfully submitted,

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Amendments to the Drawings

Attached are two (2) replacement sheets and two (2) annotated sheets.

In response to the objection to Fig. 1 (Office Action, page 2), Applicant has amended Fig. 1 by adding the legend "Prior Art," as shown on the corresponding replacement sheets and annotated sheets. Fig. 1 as amended satisfies the requirements of MPEP §608.02(g). Accordingly, Applicant respectfully requests that the objection to Fig. 1 be withdrawn.

To further the prosecution of this application, amendments have been made to Figs. 2 and 4 as illustrated on the attached replacement sheets and annotated sheets. This application claims priority to a French application. The amendments to Figs. 2 and 4 include changing occurrences of "O" (oui) to "Y" (yes). No new matter has been added by these amendments, and the Examiner is respectfully requested to approve them.

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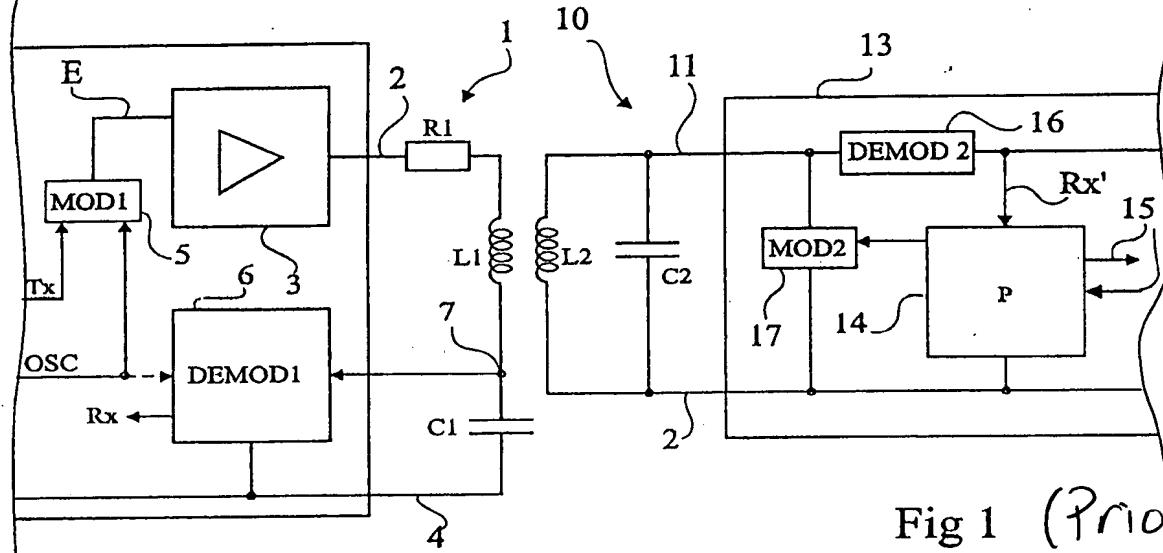


Fig 1 (Prior Art)

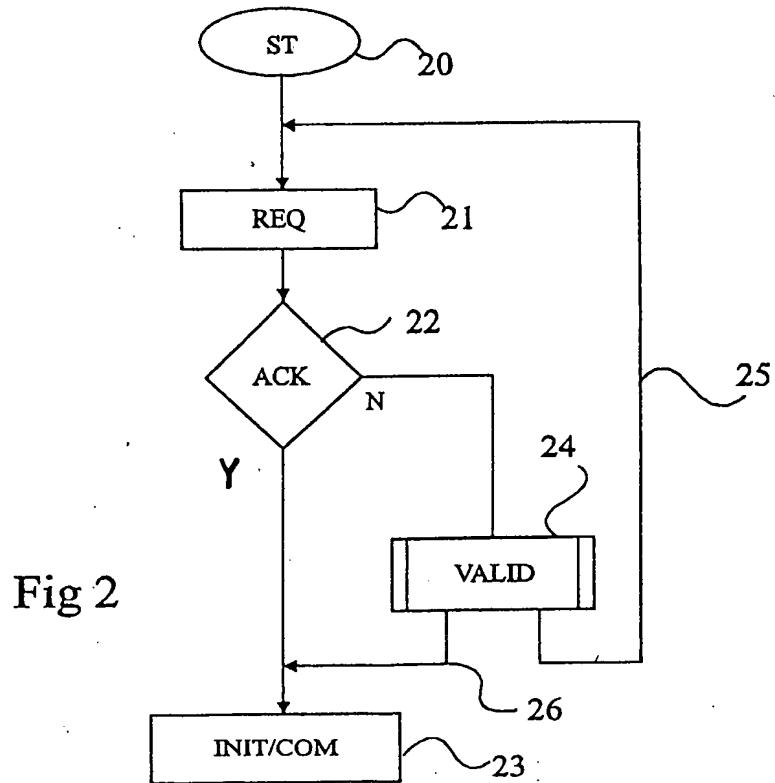


Fig 2

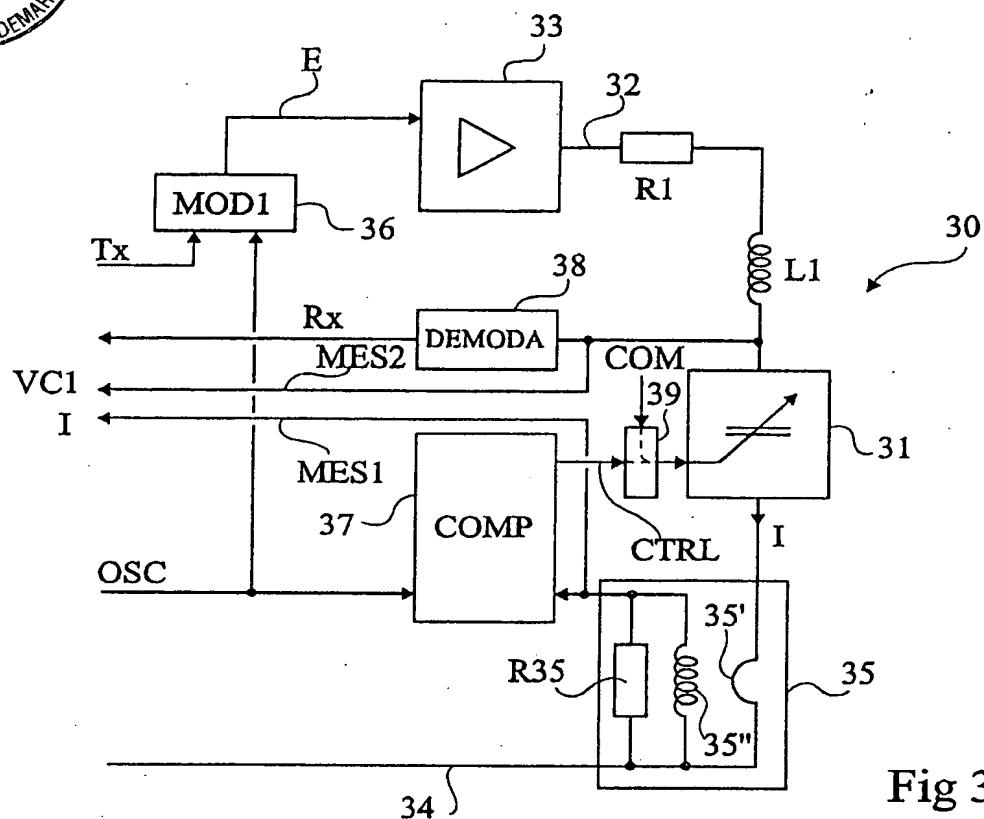


Fig 3

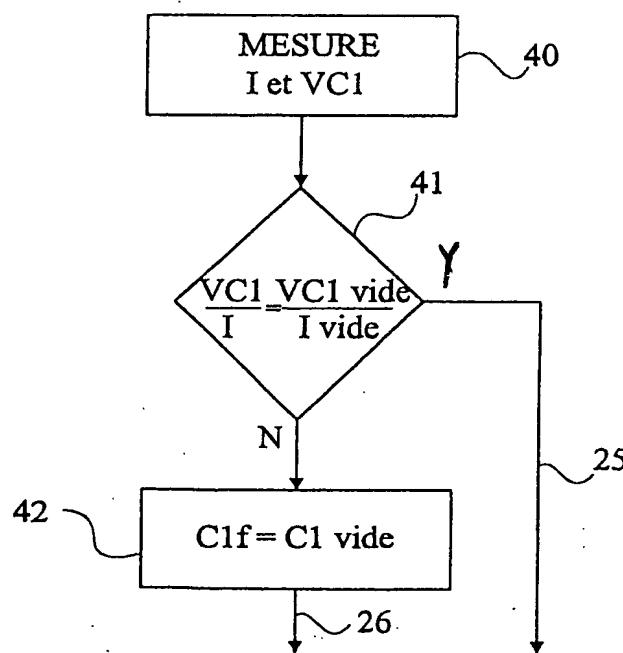


Fig 4